



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JUN - 4 1998

N. Michael Cira
Montgomery Watson
1195 West Lake Drive
Suite 200
Milwaukee, WI 53224

Dear Mr. Cira,

This letter responds to your e-mail of May 4, 1998 in which you ask four questions concerning the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 reporting requirements. Specifically, your questions concern the applicability of EPCRA section 313 to metal stamping operations.

As I understand your situation, a company in the electronic control industry is considering installing a metal stamping operation. Sheet steel stock, containing EPCRA section 313 toxic chemicals above de minimis quantities, will be stamped to produce metal parts. The excess metal will be collected, packaged with other types of scrap metal, and sent to a scrap metal recycler. The thickness of the steel will not change between the steel stock and the finished metal part. You believe that the article exemption may apply to some of steel stock as long as there is no release of an EPCRA section 313 toxic chemical. You also note that if the total annual release is less than 0.5 pound, the amount of the release can be rounded to zero pounds and will not negate the exemption.

In your first question you ask if, assuming the article exemption does not apply, EPCRA section 313 would apply to the scrap steel if it were sent by itself directly to a steel mill. EPCRA section 313 reporting requirements are triggered when a facility meets the activity, employee, and Standard Industrial Classification (SIC) code criteria. (40 CFR § 372.22) If these three thresholds are met, the facility must report the releases and other waste management activities associated with the toxic chemical on the Form R or, if additional criteria are met, submit the Form A certification statement. Therefore, if the facility meets the thresholds, it would trigger reporting of the toxic chemicals in the scrap metal regardless of whether the metal is packaged with other types of scrap metal or not. However, if, because the scrap metal is not mixed with other scrap, it can be remelted and directly reused, without any recovery steps, the facility would be sending the toxic chemicals off-site for reuse. Quantities of toxic chemicals remelted and directly reused are not reportable on the Form R.

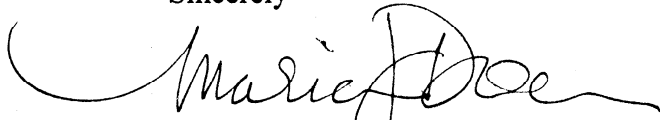
In your second question you ask if many facilities report metal emissions from metal stamping operations. To respond to your inquiry, we performed a quick search of the Toxics Release Inventory (TRI). This database catalogues the toxic chemical releases and other wastes management activities reported pursuant to EPCRA section 313. We searched for facilities that commonly perform stamping operations in three related SIC codes that reported for nickel and chromium, two EPCRA section 313 chemicals commonly found in steel. In our search we found that of 287 facilities in SIC code 3469 (metal stampings not elsewhere classified) submitting Form Rs for 1995, 59 facilities reported for nickel and 53 facilities reported for chromium. Of the 127 facilities in SIC code 3452 (bolts, nuts, rivets, and washers), 39 reported for nickel and 42 reported for chromium and of the 98 facilities classified in SIC code 3465 (automotive stampings), 26 reported for each of these two chemicals. We reviewed about ten of these forms. All of these reviewed forms reported air emissions for these EPCRA section 313 toxic chemicals. Hopefully, this information gives you some idea of how many facilities performing metal stamping operations are reporting releases and other waste management from their operations. Of course, covered facilities should not look to see who is reporting these activities but should instead determine if the facility's own operations are triggering thresholds and producing toxic chemicals in waste.

Next you ask if there are recommended methods for determining if the 0.5 lb release limit is exceeded from a metal stamping operation. EPA recommends that facilities use one or more of the following methods for performing release and other waste management calculations of EPCRA section 313 chemicals: monitoring data, mass balance, emission factors, and engineering calculations. If all wastes generated from stamping operations (including fume, dust, sludge and scrap pieces) are recycled or reused and the facility's total releases will be under 0.5 lb limit for each listed chemical per year, the article exemption may apply. If releases (including disposal) of a listed toxic chemical are more than 0.5 lb, the article exemption is negated for that chemical and all quantities of that chemical in the metal sheets should be included in threshold determinations and release and other waste management calculations.

In your final question you inquire about the availability of other exemptions or compliance guides applicable to the metal stamping operation. Without having more specific information about the facility's activities, it is difficult to determine if other exemptions, such as the laboratory activities exemption (40 CFR §372.38(d)), apply. As to additional compliance guides, EPA is in the process of updating all industry-specific guidance documents (including metal fabricating industry guidance document) for EPCRA Section 313 reporting. EPA plans to include discussions on metal stamping operations in metal fabricating industry guidance document and to publish this document in late 1998.

I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for section 313 of EPCRA. If you have any other questions, or desire further information, please call either Velu Senthil at 202.260.3943 or me at 202.260.9592.

Sincerely

A handwritten signature in black ink, appearing to read "Maria J. Doa", with a large, stylized initial "D" and a long horizontal flourish extending to the right.

Maria J. Doa Ph.D., Chief
Toxics Release Inventory Branch

cc: IG system
Hotline
Regions